IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH AT HYDERABAD

HON'BLE Mr. JUSTICE R. SUBHASH REDDY

Writ Petition No.17308 of 2006

TUESDAY, THE FIFTH DAY OF JUNE TWO THOUSAND AND SEVEN

Between:

M. Sangeetha Kumari, D/o. Jagadish Prasad,
aged 17 years, Minor, rep. by father
M. Jagadish Prasad, s/o. Bhuraram, aged
43 years, R/o.Q.No.149-C, Sector-1, Ukkunagaram,
Visakhapatnam, Visakhapatnam District.

… Petitioner

And

The State of A.P., rep. by its Secretary,
Social Welfare Department, Secretariat,
Hyderabad, and others.

… Respondents

Order:

Petitioner, a student and a minor represented by her father, filed this Writ Petition seeking Mandamus to declare the action of respondents in not considering her candidature for admission into Engineering course basing on the rank obtained by her in EAMCET-

2006 under Scheduled Caste category as illegal and arbitrary.

2. In the affidavit filed in support of the Writ Petition, it is stated that the father of the petitioner, who is a native of Rajasthan, belongs to 'Regar' caste, a Scheduled Caste in Rajasthan, and is now working in Visakhapatnam Steel Plant. It is stated that petitioner appeared for EAMCET-2006 and obtained Rank No.021769. She claimed a seat in the category reserved for Scheduled Caste candidates; however, her claim was rejected on the ground that the community 'Regar' does not exist in Andhra Pradesh.

3. Respondents have filed counter affidavit stating that 'Regar' Community does not exist in Andhra Pradesh and is also not notified as Scheduled Caste in Annexure-I appended to A.P. (Scheduled Castes, Scheduled Tribes and Backward Classes) issue of community, nativity, Date of Birth Certificate Rules, 1997, framed under A.P. (Scheduled Castes, Scheduled Tribes and Backward Classes) Regulation of issue of Community Certificates Act, 1993.

4. In the case of **Marri Chandra Shekhar Rao V. Dean, Seth G.S. Medical College and others**[1], the Supreme Court has held that a person who is recognized as a member of ST/SC in his original State will be entitled to all the benefits under the Constitution in that State alone and not in all parts of the country wherever he migrates. It was also held that member of a disadvantaged group who has overcome his disadvantage cannot on voluntary migration avail of benefits or privileges intended for the disadvantaged groups in the new place.

5. In the case on hand, while it is the case of the petitioner that she belongs to 'Regar' Community, a Scheduled Caste in Rajasthan, and is entitled for a seat in the category reserved for Scheduled Caste

candidates, the specific stand of the respondents is that 'Regar' Community is not a notified Scheduled Caste in Andhra Pradesh and hence petitioner is not entitled to claim a seat under Scheduled Caste category. The judgment of the Supreme Court referred above squarely applies to the case on hand. In the absence of the community of the petitioner being notified in the State of Andhra Pradesh, no direction as sought can be given.

6. The Writ Petition is devoid of merits and is accordingly dismissed. No costs.

JUSTICE R. SUBHASH REDDY.

June 5, 2007
MRR

[1] **(1990) 3 SCC 130**